
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Clear Channel Broadcasting, Inc.)	File No.: EB-FIELDNER-13-00009116
)	
Owner of Antenna Structure No. 1025281)	NOV No.: V201332400031
)	
Williamsport, Pennsylvania)	
)	

NOTICE OF VIOLATION

Released: July 15, 2013

By the District Director, Philadelphia Office, Northeastern Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Clear Channel Broadcasting, Inc. (Clear Channel), owner of antenna structure number 1025281 in Williamsport, Pennsylvania. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On June 6, 2013, agents of the Enforcement Bureau's Philadelphia Office inspected antenna structure number 1025281 located at 1559 West Fourth Street, Elm Park, Williamsport, Pennsylvania, and observed the following violations:

- a. 47 C.F.R. § 17.51(a): "All red obstruction lighting shall be exhibited from sunset to sunrise unless otherwise specified." At the time of the inspection, an intermediate light was extinguished on both the 2/3 level and the 1/3 level.
- b. 47 C.F.R. § 17.49: "The owner of each antenna structure which is registered with the Commission and has been assigned lighting specifications referenced in this part must maintain a record of any observed or otherwise known extinguishment or improper functioning of a structure light and include the following information for each such event: (a) The nature of such extinguishment or improper functioning. (b) The date and time the extinguishment or improper operation was observed or otherwise noted. (c) Date and time of FAA notification, if applicable. (d) The date, time and nature of adjustments, repairs, or replacements made." At the time of the

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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inspection, Clear Channel did not have a record of the extinguished side intermediate lights.

- c. 47 C.F.R. § 17.48(b): “An extinguishment or improper functioning of a steady burning side intermediate light or lights, shall be corrected as soon as possible, but notification to the FAA of such extinguishment or improper functioning is not required.” At the time of the inspection, the engineer for the station that operates on antenna structure number 1025281 reported to the agent that one of the side lights had been out for one week prior to the inspection and the other light had been out for a few days prior to the inspection. The engineer also reported that when he contacted Clear Channel about the light outage, Clear Channel stated that its policy was to not immediately replace extinguished side intermediate lights but wait until other tower work was necessary.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Clear Channel must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must specifically explain Clear Channel’s policy for repairing light outages on its antenna structures. The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Clear Channel to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Clear Channel with personal knowledge of the representations provided in Clear Channel’s response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

³ 47 U.S.C. § 403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building Office, Suite 404
2300 E. Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Clear Channel Broadcasting, Inc. at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia District Office
Northeastern Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).